

# Notice of Allowability

Application No.

10/649,692

Examiner

Robert J. McCarry, Jr.

Applicant(s)

MARCHIORI ET AL.

Art Unit

3617

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on 08/28/03.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☒ The drawings filed on 28 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 08/28/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Pegg on June 3, 2004.

The application has been amended as follows:

Claim 10, line 1; after the word "device" the word --is-- has been added.

Claim 18, line 1; after the word "to" the term "any one of" has been removed.

Claim 18, line 1; the word "claims" has been removed and replaced with the word --claim--.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: applicant recites an a rail car door closer comprised of a movable base having a rotatable member rotationally disposed thereon and the moveable base is coupled to a drive system configured to translate the movable base along a track disposed along the wayside of the railroad rails. The system is further comprise of a securing means for holding the rotatable member in an upright position so that it is positioned vertically to contact an open rail car door and when the movable base is moved beneath the open door the rotatable member contacts the open door and moves the open rail car door to a closed position in correspondence with the movement of the base.

The prior art made of reference, taken singularly or in combination, does not adequately disclose the features recited in the instant claims.

Specifically, the prior art references of Peterson et al (US 3,836,023), Peterson (US 3,891,101) and Green et al (US 4,011,956) all disclose a type of system for closing a rail car door using a rotatable arm from the wayside of the railroad track. None of the above mentioned references show a rotatable member mounted to a base wherein the base moves along a track on the wayside of the railroad track. The base of the references cited above is stationary and only the arm rotates towards the car. Connelly (US 5,299,508) discloses a system for closing the door of a rail car comprised of a rotating arm positioned adjacent to the rail of the railroad track. Connelly makes no mention of a base for the arm or a moveable base mounted on a track for traversing along the wayside of the railroad track. Turpin, Sr. (US 5,419,262) discloses a system for closing the doors of a railroad car comprised of a plurality of arms that rise up from below the car and contact the doors. Turpin, Sr. does not show the arms to be mounted to a base on the wayside of the track. Turpin, Sr. also does not disclose the use of a moveable base for travel adjacent to the railroad track.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

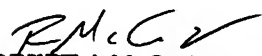
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (703) 305-0581. The examiner can normally be reached on Monday through Friday 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJM  
June 3, 2004

  
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3617